

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LINDA DANIELS, §
§
Plaintiff, § Civil Action
§ No. C-04-639
v. §
§
CONTRACT LAND STAFF, §
INC., et al., §
§
Defendants. §

ORDER

On this day the Court held a telephone conference in the above-styled action. At that conference, the Court ORDERED as follows:

1. The Court hereby GRANTS Plaintiff's oral motion to dismiss Connecticut General Life Insurance Company, a subsidiary of CIGNA Corporation, as a Defendant in this case. The only remaining Defendants in the above-styled action are Contract Land Staff, Inc. (now known as Leftwich Management, Inc.) (hereinafter, "Leftwich") and Administaff, Inc. ("Administaff") (together, "Defendants").
2. The Court hereby GRANTS Plaintiff's oral motion to dismiss the claims she brought against the Defendants pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., ("ERISA"). Plaintiff's only remaining claim against the Defendants is for violation of the Texas Deceptive Trade Practices Act, Tex. Bus. & Comm. Code, section 17.41, et seq., ("DTPA").

3. Defendants have until January 10, 2007 to file a brief on the issue of whether this Court has federal question jurisdiction over this case, on the grounds that Plaintiff's DTPA claim against the Defendants is completely preempted by ERISA. Plaintiff has until January 24, 2007 to file her response to Defendants' brief(s) on this issue.
4. The initial pretrial and scheduling conference in this case, originally scheduled for January 9, 2007 at 1:15 p.m., is hereby rescheduled to take place on January 30, 2007, at 1:15 p.m.

SIGNED and ENTERED this 27th day of December, 2006.



Janis Graham Jack
United States District Judge